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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,406	02/04/2004	Tomio Kumamoto	0229-0795P	2734

2292 7590 09/07/2005

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EXAMINER
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HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/770,406

Applicant(s)

KUMAMOTO, TOMIO

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/04/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's election of Species I, illustrated in Figures 9 and 10 and believed to be directed to claims 6 and 7, in the reply filed on August 22, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 8-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 22, 2005.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(a & e) as being anticipated by Beach et al. (USPN 6623378).

Regarding claim 1, Beach et al. discloses a hollow golf club head having a face portion **12** whose front face defines a club face for striking a ball, a crown portion, a sole

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portion **32**, a side portion between the crown portion and sole portion, and hosel portion **16**, and comprising a metal component made of a metal material, and a resin component made of the fiber reinforced resin, wherein the metal component comprises a face plate forming at least a part of the face portion, and a sole plate forming at least a part of the sole portion, and the resin component comprising a crown plate forming at least a part of the crown portion (See Figure 4, and Columns 3 and 4).

Regarding claim 3, Beach et al. shows in Figure 4 the hosel **16** including a tubular part into which a club shaft is received and the tubular part being coupled, or separately formed with the metal component (See Column 3, lines 34 through 44).

Regarding claims 4, Beach et al. discloses the resin component further including a side plate forming at least a part of the side portion (See Figure 4).

Regarding claim 6, Beach et al. shows the sole plate provided on the fringe thereof with a continuous rib **40** (See Figure 5).

2. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Beach et al. (US 2002/0187853).

Regarding claim 1, Beach et al. discloses a hollow golf club head having a face portion **12** whose front face defines a club face for striking a ball, a crown portion, a sole portion **32**, a side portion between the crown portion and sole portion, and hosel portion **16**, and comprising a metal component made of a metal material, and a resin component made of the fiber reinforced resin, wherein the metal component comprises a face plate forming at least a part of the face portion, and a sole plate forming at least a

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part of the sole portion, and the resin component comprising a crown plate forming at least a part of the crown portion (See Figure 4, and Paragraphs 0036 to 0038).

Regarding claim 3, Beach et al. shows in Figure 4 the hosel **16** including a tubular part into which a club shaft is received and the tubular part being coupled, or separately formed with the metal component (See Paragraph 0036).

Regarding claims 4, Beach et al. discloses the resin component further including a side plate forming at least a part of the side portion (See Figure 4).

Regarding claim 6, Beach et al. shows the sole plate provided on the fringe thereof with a continuous rib **40** (See Figure 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (USPN 6623378).

Regarding claim 2, Beach et al. does not explicitly disclose the hosel being integrally formed, but Beach et al. notes that the hosel may be attached to the club head in any well known manner. Furthermore, applicant does not note why the method of attaching the hosel is essential in attaining the invention. The method of attachment bears no weight in attaining the final product. Therefore, one having ordinary skill in the art would have found such method of attachment to be an obvious matter of design

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choice. As noted by Beach et al., any well-known method would perform equally as well so long as the hosel facilitates attachment of the shaft to the club head.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (USPN 6623378) in view of Robertson (USPN 1269745).

Regarding claim 5, Beach et al. does not disclose the sole plate having a thickness which gradually increases toward the rear. Robertson et al. discloses soles having thicknesses to attain a desired golf club weighting for the desired shot wherein the sole may have a thickness gradually increasing to the rear (See the Entire Disclosure and Figure 4). One having ordinary skill in the art would have found it obvious to have the sole thickness gradually increasing toward the rear, as taught by Robertson, in order to obtain the shot desired by the user.

Regarding claim 7, Beach et al. shows the sole plate provided on the fringe thereof with a continuous rib **40** (See Figure 5), but does not disclose the sole plate having a thickness which gradually increases toward the rear. Robertson et al. discloses soles having thicknesses to attain a desired golf club weighting for the desired shot wherein the sole may have a thickness gradually increasing to the rear (See the Entire Disclosure and Figure 4). One having ordinary skill in the art would have found it obvious to have the sole thickness gradually increasing toward the rear, as taught by Robertson, in order to obtain the shot desired by the user.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (USPN 2002/0187853).

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Regarding claim 2, Beach et al. does not explicitly disclose the hosel being integrally formed, but Beach et al. notes that the hosel may be attached to the club head in any well known manner. Furthermore, applicant does not note why the method of attaching the hosel is essential in attaining the invention. The method of attachment bears no weight in attaining the final product. Therefore, one having ordinary skill in the art would have found such method of attachment to be an obvious matter of design choice. As noted by Beach et al., any well-known method would perform equally as well so long as the hosel facilitates attachment of the shaft to the club head.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beach et al. (USPN 2002/0187853) in view of Robertson (USPN 1269745).

Regarding claim 5, Beach et al. does not disclose the sole plate having a thickness which gradually increases toward the rear. Robertson et al. discloses soles having thicknesses to attain a desired golf club weighting for the desired shot wherein the sole may have a thickness gradually increasing to the rear (See the Entire Disclosure and Figure 4). One having ordinary skill in the art would have found it obvious to have the sole thickness gradually increasing toward the rear, as taught by Robertson, in order to obtain the shot desired by the user.

Regarding claim 7, Beach et al. shows the sole plate provided on the fringe thereof with a continuous rib 40 (See Figure 5), but does not disclose the sole plate having a thickness which gradually increases toward the rear. Robertson et al. discloses soles having thicknesses to attain a desired golf club weighting for the desired shot wherein the sole may have a thickness gradually increasing to the rear (See the

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Entire Disclosure and Figure 4). One having ordinary skill in the art would have found it obvious to have the sole thickness gradually increasing toward the rear, as taught by Robertson, in order to obtain the shot desired by the user.

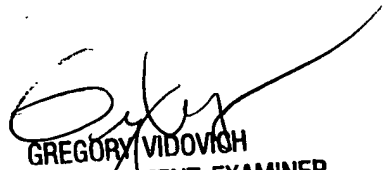
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alvin A. Hunter, Jr.

  
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